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No. 80-2116

In the Supreme Court of the United States

OCTOBER TERM, 1980

WILLIAM ARCHIE WILLIAMS, PETITIONER

v.

UNITED STATES OF AMERICA

ON PETITION FOR A WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE FIFTH CIRCUIT

SUPPLEMENTAL MEMORANDUM FOR THE UNITED STATES

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We wish to call the Court's attention to the recent decision in *United States* v. *Sher*, No. 81-1317 (3d Cir. Aug. 14, 1981), which appears to conflict with the position taken by the Fifth Circuit in this case.[1] See Brief for the United States in Opposition at 6-7. The Solicitor General has authorized the filing of a petition for rehearing en banc to review the panel opinion in *Sher*.

Respectfully submitted.

REX E. LEE
Solicitor General

SEPTEMBER 1981

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[1]The court of appeals relied upon the opinion of the district court, which is reported at 505 F. Supp. 858 (W.D. Pa. 1981).

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